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Route To:

INTERNATIONAL CITY MANAGERS' ASSOCIATION
1313 EAST 60TH STREET - CHICAGO 37, ILLINOIS

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SICK LEAVES AND PAYMENT FOR UNUSED LEAVES

What is general municipal policy concerning (1) granting of sick leave and (2) payment for accumulated leave of absence on the occasion of the resignation or death of a permanent employee?

Granting Sick Leave. The general practice of cities throughout the United States may be briefly summarized with the following points: (1) sick leave with pay is normally granted only to permanent, regular employees; (2) sick leave is generally provided for by a rule of the personnel department or civil service commission, although in the absence of a central personnel agency the subject may be dealt with by ordinance or administrative regulation of the chief administrator; (3) the amount of leave permitted annually varies, but is usually either at the rate of one day for each calendar month of service (12 days per year) or at the rate on one and one-half working days for each calendar month of service (18 days per year); and (4) the unused portion of such leave is usually cumulative up to either 60 days when the rate of one working day for each calendar month is used or 90 days when the rate of one and one-half days for each calendar month is used.

The administration of sick leave usually requires that for any extended leave, over three consecutive days for instance, a physician's certificate of illness shall be submitted. In some of the more progressive municipalities programs of sick-leave control have been established in which home visits are made by city physicians for two purposes, to eliminate malingering and, on the other hand, to prevent employees' returning to work before they are really able to do so. For example, a comprehensive sick-leave control policy in Sacramento, California, resulted in a decrease of 35 per cent in sick leave in six months, and a saving of \$7,000 to the city (See James S. Dean, "Checkup on Sick Leaves Saves Money and Improves Morale," Public Management, September, 1940. pp. 274-75).

Payment for Unused Vacation or Other Leaves. Unfortunately, specific procedures to cover cases of this kind are not generally included in personnel agency rules. However, in both the states of Minnesota and Michigan payments are made upon resignation or death for all earned but untaken leave. In addition, there are many agencies which permit the so-called "terminal vacation" generally. For instance, the Cincinnati procedures regarding leave of absence stipulate in part: "If an employee leaves the service he should be allowed a vacation, to be computed...." Without a specific rule to the contrary, it would seem that a provision of this kind would be sufficient authorization for payments upon death.

Basically, the question is whether vacation in a particular jurisdiction is considered to be a right earned by an employee, a definite part of his compensation as a condition of employment, or whether vacation is a privilege which is granted, at the pleasure of the employer, for the sole purpose of rehabilitation and restoration of the employee's efficiency. If the latter point of view is the accepted one, then terminal vacations, upon either resignation or death, would seem to be illogical, the employer no longer having any interest in the employee so far as rehabilitation or restoration of efficiency is concerned. On the other

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hand, if vacation is an earned right and a part of his compensation previously agreed upon, then it should be granted him, regardless of the circumstances. It would seem that with the further extension of vacation with pay to private industry and with the growth of employee organizations in the public service, the trend is probably toward considering vacation as an employee right or condition of employment rather than as a privilege of a purely restorative measure.

Sources of Information. A suggested ordinance prepared by the Civil Service Assembly, together with the ordinances of a number of cities on this subject, are contained in a report entitled Sick Leave Regulations issued in April, 1944, by the Association of Washington Cities, University of Washington, Seattle. A statement on sick leave policy as amended in 1945 is available on request to the city manager's office, Wichita, Kansas, and the sick leave regulations of San Mateo, California, also will be of interest to cities drafting regulations on this subject. The personnel manual of Saginaw, Michigan, available from the city clerk at 60 cents a copy, also contains well-drafted sick leave regulations.